

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**May 04, 2023**

SEAN F. MCAVOY, CLERK

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF WASHINGTON**

ERIC K.,<sup>1</sup>

Plaintiff,

vs.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:22-cv-03134-RHW

**ORDER GRANTING  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C. §  
405(g) AND CLOSING FILE**

**ECF Nos. 14, 16**

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 16, requesting remand of the above-captioned matter to the Commissioner for additional administrative proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney Eitan Kassel Yanich represents Plaintiff. Attorney Katherine Watson represents Defendant.

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<sup>1</sup> To protect the privacy of plaintiffs in social security cases, the undersigned identifies them by only their first names and the initial of their last names. *See* LCivR 5.2(c).

1 After consideration, **IT IS HEREBY ORDERED** that:

2 1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

3 2. The above-captioned case be **REVERSED** and **REMANDED** to the  
4 Commissioner of Social Security for further administrative proceeding pursuant to  
5 sentence four of 42 U.S.C. § 405(g).

6 The parties have stipulated to the following instructions. On remand, the  
7 Appeals Council will instruct the ALJ to:

- 8 • Reassess the opinion of Mark Heilbrunn, M.D.
- 9 • Reconsider the claimant's residual functional capacity;
- 10 • Offer the claimant the opportunity for a *de novo* hearing;
- 11 • Take any further action needed to complete the administrative record;
- 12 and
- 13 • Issue a new decision.

14 *See* ECF No. 16 at 1-2.

15 3. Judgment shall be entered for **PLAINTIFF**.

16 4. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is **STRICKEN**  
17 **AS MOOT**.

18 5. Upon proper presentation, this Court consider Plaintiff's application for  
19 fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).  
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1 The District Court Executive is directed to enter this Order, **enter**  
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED May 4, 2023.

4 *s/Robert H. Whaley*  
5 ROBERT H. WHALEY  
6 Senior United States District Judge  
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